



(Jamaican) Youth and Elders In Solidarity with Cuba (YESCuba)



Address: P. O. Box 393, Kingston, Jamaica Telephone #: 8763256904

<https://sites.google.com/site/yescuba/Home>

<http://youthandeldersja.wordpress.com/>

yescuba@gmail.com

SUBMISSION TO THE UNITED NATIONS OHCHR UNIVERSAL PERIODIC REVIEW (SECOND CYCLE)
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Jamaican Youth and Elders in Solidarity with Cuba (YESCuba), an affiliate of Caribbean Youth & Elders United (CYEU), is a small non-profit, non-governmental organisation which was formed in 2008 to publish a newsletter aimed at providing Jamaicans at home and abroad with truthful information about Cuba and to foster harmonious relations between our two nations. During its four years of existence, YESCuba has published several articles and newsletters towards achieving this overall goal. We also have a website and blog that is regularly updated. Our membership includes Jamaican patriots from different professions. Some our members have vacationed and studied in Cuba over three or more decades and, therefore, have made friends with Cubans from all walks of life. We also have relatives and friends who are currently pursuing tertiary education there. In addition, we stay abreast of information about developments in Cuba in order to meet our objective of providing up-to-date and credible information through our various forms of publication. We feel that we have a clear and current understanding of life in Cuba and its complete and easily substantiated commitment to the cause of human rights and peaceful development of humanity, not only in Cuba, but all over the world. Some of our members have visited the United States of America, Canada as well as other countries in Latin America and the Caribbean. The experience gained from travelling to other countries has helped to sensitize us to the treatment of human rights in different countries. We also take an interest in the **UN Human Development Index** which is a good barometer of the efforts of countries to adhere to the **Universal Declaration of Human Rights**. Both documents were important references for us in the preparation of this submission which we are honoured to make to your esteemed body. This is our first submission to a UN body and we have no prior relationship with ECOSOC.

YESCUBA'S OBSERVATIONS ON HUMAN RIGHTS IN CUBA

1. HUMAN DIGNITY AND THE RIGHT TO WORK

1.1 Article 1 of the constitution of the Republic of Cuba states: "Cuba is a socialist State of workers, independent and sovereign, organized with all and for the good of all, as a united, democratic republic, for the enjoyment of political freedom, social justice, individual and collective welfare, and human solidarity." This commitment is displayed in Cuba's treatment of citizens and people from all over the world with respect and dignity. Despite the country's economic difficulties, the number one priority is taking care of people. One thing that visitors notice is the absence of homeless people living on the street. There is no apparent human trafficking, forced labour nor inhumane treatment. Even persons convicted of crimes are treated with dignity and all their rights enshrined in Cuban and international laws are respected.

1.2 In keeping with its declared commitment to workers' rights, Cuba has ratified eighty-eight ILO conventions and the rights of workers and unions are embedded in the constitution. Trade unions are integrated into the operations of institutions. Recent structural changes to improve operational efficiency did not result in unemployment but rather the redeployment of the human resources for efficiency and effectiveness. Opportunities have been created for self-employment and small business ventures which can employ staff, and for enterprises such as, restaurants and coffee shops, to increase the scale of their operations.

1.3 The Labour Code is being amended, with input from the trade unions, to address the obligation of small enterprises to provide safe and healthy working conditions for employees, with the appropriate leave entitlements for study, vacation and sickness. Workers in small enterprises operated by self-employed persons will enjoy the same labour rights as state workers.

2. OWNERSHIP OF PROPERTY

Property laws are based on Cuba's socialist principles which are against polarising society into rich and poor. The main enterprises of the society are the property of the whole nation and the surplus income goes towards the development of the society. In 2011, the Economic and Social Policy Guidelines were adopted in order to update the Cuban economic model, enhance the sense of social fairness and freedom, deepen the solidarity in the society and strengthen the country's independence and sovereignty. The Guidelines provide for greater accountability of public officials and elimination of corruption at all levels. New norms have also been adopted for land transfer, employment and housing.

3. RIGHT TO EDUCATION

Self-actualization is a real possibility for every citizen because Cuba places a high priority on education and training which are accessible to all, free of cost, inclusive of meals and uniforms (at some schools). Cuba is ranked 14 out of 128 countries in UNESCO's 2010 Education for All Index (EDI). Ten per cent of the central budget goes to Education. In primary schools, the class size is 20 -25 and at the secondary level, it is 15. Schools last 12 hours per day with free morning and after-school care. Mobile teachers are deployed to homes if children are unable to attend school. Over half of the 150,000 teachers have master's degrees. The schools are closely integrated with their communities, in which teachers play an active role, building strong relationships with parents and families to enhance the learning process. There are 47 universities and 23 medical schools. Distance Education is offered in 15 centres island-wide with courses leading to degrees in Law, History, Scientific and Technological Information, Accounting and Finance, and Economics. Computer education is incorporated into the curriculum from the primary level and technological support is available in all classrooms. Illiteracy has been completely eradicated. Continuing education and upgrading of skills and qualifications are free of cost to all citizens and university level programmes are provided for elderly persons. University teaching units are available in every municipality.

4. FREEDOM FROM DISCRIMINATION BASED ON RACE, COLOUR OR ANY OTHER DIFFERENCES

All Cubans enjoy the same rights, freedoms and opportunities for social advancement regardless of race, gender, colour, creed or other differences. Women and Afro-Cubans are fully integrated at all levels and in all spheres of the society. Article 44 of the Cuban Constitution guarantees women the same opportunities and possibilities as men. Women now hold 43.2% of the parliamentary seats in the Cuban National Assembly, ranking Cuba 6th of 162 countries on issues of female participation in political life. While it is not possible to control the feelings and personal preferences of individuals, laws and policies exist to ensure that these do not translate into institutionalized discrimination, including discrimination based on disability and sexual orientation.

5. RESPECT FOR THE RIGHT TO LIFE, HEALTH, REST, RECREATION/LEISURE

5.1 With universal access to public health free of charge, and the highest doctor-to-population ratio in the world, Cuba is outstanding in healthcare. It is ranked as a country with High Human Development (51 out of 187 countries) with an HDI of 0.776 despite the tremendous challenges faced as a result of the onerous US blockade which persists despite an almost unanimous UN vote against it. The blockade has cost Cuba's economy one trillion dollars in losses since it was imposed in 1962. Jamaican doctors who studied in Cuba comment on Cuba's emphasis on healthcare and the preservation of life. Cuba has the lowest infant mortality rate (4.9%) in the Americas, on par with Canada. The maternal mortality rate is 40.6 per 100, 000. Life expectancy is 79.1 years and there is a focus on increasing the quality of life for senior citizens. On-going research and development at institutions such as the Centre for Genetic Engineering and Biotechnology and the Centre of Molecular Immunology has produced medical cures and treatment of various diseases, for example: the cancer-fighting drug Vidatox; Streptokinase, a "clot buster" for heart attack victims; Ateromixol and Policosanol (PPG), which lower blood cholesterol; Interferon, a protein for treating viral infections such as haemorrhagic dengue and some types of tumors; an anti-meningococcus vaccine, the world's only meningitis B vaccine; Citoprot-P for treatment and cure of diabetic ulcers, reversing gangrene and reducing the need for amputations; and CimaVax-EGF vaccine for treatment of patients with advanced lung cancer. Some of these products are marketed to other countries but not as extensively as is possible because of external obstacles.

5.2 Special benefits are designed to promote healthy births and there are labour laws which are intended to protect pregnant women from harmful activities and ensure proper care of infants. A woman may take six paid days off (or 12 half-days) during pregnancy to receive prenatal care. In addition, according to law, pregnant women must stop working at 34 weeks (32 weeks in cases of multiple births) while continuing to receive full pay. Fathers are allowed to use vacation days to attend the birth of their children and following the birth to help the mother. Maternity leave is up to one year with full pay after birth of the child. More leave may be granted if necessary. The laws promote the shared responsibility of the mother and father in the care and rearing of their children. Decree-Law234 enacted by the Council of State in August 2003, allows for paternity leave as either parent can take leave with full pay to care for the child after the postnatal and breastfeeding periods, until the child turns one year old. If a mother should die after childbirth, the father has a right to the same social benefits and paid leave that the mother would have had. If he is unable to assume that responsibility, he can delegate his leave and social benefits to a relative to care for the child until she/he is one year old. The only other country in the hemisphere to provide similar benefits to fathers is Canada.

5.3 In Cuba, rest and leisure are considered critical to the general health and well-being of citizens. The 30 days annual vacation leave is treated as a sacred right. A variety of recreational facilities are provided at the national and community level with an emphasis on sports and culture. Recently the Olympics coverage was televised by public broadcast 24 hours per day for the duration of that event.

6. SAFETY, SECURITY, LEGAL RIGHTS

6.1 The National Revolutionary Police Force (PNR), under the leadership of the Cuban Ministry of the Interior, and the community organizations called (CDRs), play an effective role in ensuring the safety and security of citizens and visitors. Crime rates (mainly petty crimes) remain significantly lower than many other major cities worldwide. For

example, in 2005-2008, deaths by assault per 100,000 were 2.5 (females) and 7.6 (males). Many visitors comment on how safe they feel and as a result Cuba has become a major tourist destination.

6.2 Everyone is treated equally before the law. Every person who is charged with an offence is guaranteed a right to a public hearing, legal counsel and to mount a legal defence. Court proceedings are characterized by complete respect for the humanity of the persons involved and every effort is made to thoroughly analyse the circumstances of cases in order to ensure fair and just treatment. There is no evidence of arbitrary arrest and detention, nor use of violence or coercion in the treatment of prisoners. There is full compliance with decisions of the court. The Cuban authorities display a tremendous amount of patience and restraint in handling dissent. Complete medical attention is given to those found guilty of crimes even in the case of those found guilty of espionage, sabotage and other serious crimes against the state. Dissident groups are allowed to exercise their right to express their views and organize protests as long as they act within the law.

6.3 In 2009, in keeping with the humanist philosophy of the government and people, Cuba abrogated the death penalty, replacing it with a 30-year or life imprisonment. All inmates on death row had their sentences commuted in keeping with the new ruling. Consequently, no death sentence has been pronounced since the last UN UPR on Cuba.

6.4 Thirteen new laws and two resolutions were adopted at the third session of the 13th National Assembly in July this year. The laws relate to Deposit Insurance, Money Laundering Prevention, Tertiary Education, Labour, Law of the Sea of Vietnam, Pricing, Justice Assessment, Legal Dissemination and Education, Advertising, Water Resources (amended) and Handling Administrative Violations. The two resolutions relate to the implementation of the Law on Handling Administrative Violations and the issuance of a number of tax policies to deal with difficulties facing organizations and individuals. Overall, these laws will enhance the practice of democracy and protection of citizens and the state.

7. RIGHT TO PRIVACY

Cuba observes the same privacy protocols adhered to by other countries to ensure a balance between enjoyment of privacy and the safety and security of the country and its citizens. The privacy of individuals is respected to the utmost. Public officials and popular personalities are able to enjoy their privacy even in public spaces, such as restaurants. The national media do not publish scandals about people's personal lives and the intrusive "paparazzi phenomenon" is absent from Cuba's mainstream journalism. This is another factor that makes Cuba attractive to tourists.

8. FREEDOM OF MOVEMENT, ASSEMBLY AND ASSOCIATION

8.1 Cubans enjoy freedom of movement throughout their country and, as in other countries, appropriate procedures are established for regional and international travel. Travel to other countries is subject to the requirements of those countries. Cubans who wish to migrate are able to do so while retaining their citizenship. In Jamaica and other countries, there are many Cuban residents who are loyal to their country, maintain strong ties and return home on visits quite frequently. It is through many of them that people of other countries have come to know, love and respect Cuba.

8.2 Freedom of assembly and association is also enjoyed in Cuba. As in other countries, there are procedures to be followed and special permissions required for public gatherings.

9. RIGHT TO MARRY AND ESTABLISH FAMILY

Cuba respects the rights of its citizens to marry and establish families. There are no restrictions on choices in marital partners. Many Cubans are married to people of other nationalities. Some remain in Cuba while others choose to live in the homelands of their spouses. It is purely a matter of individual choice.

10. FREEDOM OF RELIGION

10.1 Although Cuba is a socialist society, freedom of religion is a right. Many Jamaicans who study in Cuba attend church services regularly. Fidel Castro once said that Christians and socialists have a lot in common. In his Reflection of June 20, 2012, he wrote, "I respect all religions, although I do not share them."

10.2 In March this year, the Catholic Pope made a well-publicized visit to Cuba during which he met with President Raul Castro and Fidel Castro, other leaders and citizens, and the clergy. He condemned the 50-year-old blockade against Cuba, and its "restrictive economic measures imposed from outside."

11. FREEDOM TO PARTICIPATE IN GOVERNMENT AND PUBLIC SERVICE

Cuba has a thriving democracy with 95% voter turnout in its peaceful electoral process. Everyone has a chance to participate beginning from the community level. Community representatives must live in their communities and may be recalled if their performance is unsatisfactory or if they engage in corrupt practices. Elections are held by secret ballot and everyone age 16 or older can vote. Voters elect the members of the municipal assemblies and the National Assembly of the People's Power (NAPP) every five years. NAPP (parliament) is the supreme body of the State and has legislative power. NAPP meets twice per year and power is exercised in the interim by the 31 member Council of State which is elected by NAPP from its membership. Executive authority is vested in the Council of Ministers, which comprises 8 members of the Council of State, the heads of the national ministries, and other officials. The President and Vice-President are elected by NAPP for a five-year term. The President together with the Council of State proposes the Council of Ministers for approval by parliament. A smaller Executive Committee consisting of some members of the Council of Ministers oversees normal business. The judiciary consists of the People's Supreme Court whose president, vice-president, and judges are elected by NAPP.

12. CUBA'S CONTRIBUTION TO THE INTERNATIONAL COMMUNITY

12.1 Cuba's commitment to human rights and human development transcends its borders. Freedom fighters in Africa overcame Apartheid with Cuba's help.

12.2 Over forty countries are benefiting from medical care and education support provided through the Cuban Collaboration Programme. The Yo Si Puedo Literacy programme has taught seven million people in 30 countries to read. Scholarships have been granted to thousands of students internationally to study medicine, veterinary science, information technology, sports development and more. Over 600 Jamaicans have benefited from scholarships to study in Cuba. In July 2012, over eleven thousand medical students graduated from the Latin American School of Medicine (ELAM). Thousands of poor people in the Caribbean and Latin America, including Mario Teran who killed Che Guevara, have regained their eyesight through the Miracle Eye Care programme, through which 2,261,987 surgeries were performed between July 2004 January 2012..

12.3 Cuba has been assisting regional countries with disaster risk reduction and their doctors provide services to millions of victims of disasters and epidemics. Cuba was the first international responder to the earthquake in Haiti,

because since 1998, 3774 Cuban collaborators have been providing assistance there. Ten Haitian youth will begin medical courses in Cuba in the 2012-2013 academic year as part of a bilateral education agreement, under which over 800 Haitians have graduated as medical doctors.

12.4 Cuba, having the highest per capita number of sports trainers in the world, has unselfishly assisted other nations to improve their sports infrastructure and competitiveness. Jamaica's G.C. Foster College of Physical Education and Sport was a gift from Cuba. The nineteen-year-old Trinidadian, Keshorn Walcott, who won the javelin competition and twenty-one year old Erick Barrondo of Guatemala who won the silver medal in the 20 kilometre race at the London Olympics, both have Cuban coaches.

12.5 In its commitment to humanity, Cuba has been sounding the alarm on the issue of the environment and climate change. President Raul Castro sums up Cuba's position thus: "We are required to make a transcendental change. The only alternative is to build more just societies; to establish a more equitable international order based on respect for the rights of all; to ensure the sustainable development of nations, especially those of the South; and place advances in science and technology at the service of the salvation of the planet and human dignity. We are required to make a transcendental change." Former President Fidel has given the world hope that "another world is possible." Cuba is definitely pointing the way.